

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA.

05 APR 28 AM 9:42

SIGN _____
by DEPUTY CLERK
GENERAL ORDER

NUMBER: 2005: 05

Adoption of Standard and Special Conditions of Supervision

Pursuant to 18 U.S.C. §§ 3563(a), 3563(b), 3583(d), and 3553(a), the following detailed standard and special conditions of supervision are hereby approved and adopted by this Court for purposes of sentencing in all criminal cases appearing before this Court. These detailed conditions will apply in both probation and supervised release cases when summarily ordered (in brief format) at the time of sentencing and shall be written, as specifically stated below (in detailed format), in the final judgment. It is understood specific Courts will order the "Standard" conditions in all cases and appropriately order the "Special" conditions as needed or required by law. It is also understood specific Courts are not limited only to these detailed conditions and are free to change, modify, or add additional "Special" conditions, pursuant to the statutes listed above. Pursuant to 18 U.S.C. §§ 3563(d) and 3583(f), this Court directs that the probation officer provide the defendant with a written statement that sets forth, in detail, all the conditions of supervision that are summarily ordered in each case.

"Standard" Conditions of Supervision

1. The defendant shall not leave the judicial district without permission of the Court or probation officer;
2. The defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his/her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
6. The defendant shall notify the probation officer within seventy-two hours of any change of residence or employment;

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7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by his/her criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm his/her compliance with such notification requirement.

“Special” Conditions of Supervision

1. While on probation or supervised release, the defendant shall not commit another federal, state, or local crime, pay any financial penalty ordered by the judgment, and shall not illegally possess a controlled substance.
2. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic tests thereafter.
3. The defendant shall not possess a firearm, destructive device or other dangerous weapon.
4. The defendant shall cooperate in the collection of a DNA sample as directed by the probation officer.
5. The defendant shall participate in an alcohol assessment and/or treatment program which may include breath and urine testing and residential treatment, and shall assist in the cost of said treatment, as approved by the probation officer.

6. The defendant shall participate in a substance abuse assessment and/or treatment program which may include urine testing and residential treatment, and shall assist in the cost of said treatment, as approved by the probation officer.
7. The defendant shall participate in a mental health assessment and/or treatment program and shall assist in the cost of said treatment, as approved by the probation officer.
8. The defendant shall participate in an anger management education and/or treatment program, and shall assist in the cost of said treatment, as approved by the probation officer.
9. The defendant shall refrain from any form of gambling and shall participate in a program for the treatment of gambling addiction, and shall assist in the cost of said treatment, as approved by the probation officer.
10. The defendant shall not enter, frequent, or be involved with any legal or illegal gambling establishment or activity, except for the purpose of employment, as approved by the probation officer.
11. The defendant shall conscientiously pursue a course of study of vocational training that will equip him/her for suitable employment as approved the probation officer.
12. The defendant shall perform *(to be set at sentencing)* hours of community service as approved by the probation officer.
13. The defendant shall participate in a financial assessment and/or counseling program, and shall assist in the cost of said program, as approved by the probation officer.
14. The defendant shall provide the probation officer with access to any requested financial information.
15. The defendant shall not incur new credit charges or open additional lines of credit, or negotiate or consummate any financial contracts without the approval of the probation officer.
16. The defendant shall reside for a period of *(to be set at sentencing)* months to commence at *(to be set at sentencing)* on *(to be set at sentencing)*, in the Ecumenical Community Corrections Center, 6753 Cezanne St., Baton Rouge, Louisiana and shall observe the rules of that facility.
7. The defendant shall reside for a period of *(to be set at sentencing)* months, or until released by the probation officer, to commence at *(to be set at sentencing)* on *(to be set at sentencing)*, in the Ecumenical Community Corrections Center, 6753 Cezanne St., Baton Rouge, Louisiana and shall observe the rules of that facility.
18. The defendant shall participate in the Home Confinement Program for a period of *(to be set at sentencing)* consecutive days. During this time, the defendant shall remain at his/her place of residence between 9:00 p.m. and 6:00 a.m. The defendant shall follow the conditions specified in the "Home Confinement Program - Participant Agreement" which

includes wearing an electronic device. The defendant is to pay electronic monitoring costs not to exceed the daily contractual rate at the direction of the probation officer.

The defendant shall be placed on home detention for a period of *(to be set at sentencing)* months, to commence at the direction of the probation office. The defendant shall follow the conditions specified in the "Home Confinement Program - Participant Agreement" which includes wearing an electronic device. The defendant is to pay electronic monitoring costs not to exceed the daily contractual rate at the direction of the probation office.

20. The defendant shall be placed on home detention for a period of *(to be set at sentencing)* months, to commence at the direction of the probation office. The defendant shall follow the conditions specified in the "Home Confinement Program - Participant Agreement" which includes wearing an electronic device. The defendant is to pay electronic monitoring costs in full prior to the commencement of home detention in accordance with the daily contractual rate at the direction of the probation office.
21. The defendant shall attend a public, private, or private nonprofit offender rehabilitation program approved by the Court. (First offender)
22. The defendant shall comply with the terms of any Court order or order of administrative process pursuant to any state law, the District of Columbia or any other possession or territory of the United States, requiring payments by the defendant for the support or maintenance of a child or of a child and the parent with whom the child is living.
23. The defendant shall be deported from the United States.

If ordered deported by a U.S. Immigration Court or other authority, the defendant shall not re-enter the United States unless authorized by the Department of Homeland Security, Bureau of Immigration Customs Enforcement.

25. The defendant is restricted from the following employment: *(to be set at sentencing)*
26. The defendant shall submit his/her person, residence, office, all computers, computer-related devices, and peripheral equipment used by the defendant, vehicle and/or other areas under the supervisee's control, to a search, conducted by any United States Probation Officer or any other law enforcement personnel under the direction and control of the Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation; the defendant shall warn other residents or occupants that such premises or vehicles may be subject to searches pursuant to this condition.

The defendant shall report the address where he/she will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the defendant register in any State where he/she resides, is employed, carries on a vocation, or is a student.

28. The defendant is prohibited from contact with individuals under the age of 18 unless granted permission by the probation officer.

29. The defendant shall consent to the U.S. Probation Office conducting periodic unannounced examinations of the defendant's computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on the defendant's computer(s), at the defendant's expense, any hardware/software to monitor the defendant's computer use or prevent access to particular materials. The defendant shall consent to periodic inspection of any such installed hardware/software to insure it is functioning properly.
30. The defendant shall provide the U.S. Probation Office with accurate information about the defendant's entire computer system (hardware/software); all passwords used by the defendant; and the defendant's Internet Service Provider(s); and will abide by all rules of this Court's Computer Restriction and Monitoring Program.
31. The defendant is prohibited from access to any "on-line" computer service at any location (including employment or education) without prior written approval of the U.S. Probation Office. This includes any Internet Service Provider, bulletin board system or any other public or private computer network. Any approval shall be subject to conditions set by the U.S. Probation Office or the Court with respect to that approval.
32. The defendant is prohibited from access to any computer, Internet Service Provider, bulletin board system, or any other public or private computer network or the service at any location (including employment or education) without prior written approval of the U.S. Probation Office. Any approval shall be subject to any conditions set by the U.S. Probation Office or the Court with respect to that approval.
33. The defendant shall undergo a psychosexual evaluation, and if diagnosed with a sexual disorder, shall participate in sex offender-specific treatment (which may include inpatient treatment), and shall assist in the cost of said treatment, as approved by the probation officer.
34. The defendant shall comply with all registration and notification requirements, including community notification, required by federal and state statutes.
35. The defendant shall abide by all rules, requirements, and conditions of any assessment or treatment program, including submission to risk assessment evaluation and physiological testing, such as polygraph, plethysmograph (for male offenders), and Abel testing, and shall take all prescribed medication.
36. The defendant shall grant a limited waiver of his/her right of confidentiality in any records of mental health treatment imposed as a consequence of this judgement to allow the treatment provider to provide information to the probation officer and sign all necessary releases to enable the probation officer to monitor the defendant's progress. The defendant shall disclose the presentence report and/or any other previous sex offender or mental health evaluations to the treatment provider.

37. The defendant shall not possess any materials, including pictures, photographs, books, writings, drawings, videos, or video games, depicting and/or describing "sexually explicit conduct" as defined in 18 U.S.C. §2256(2) or child pornography as defined in 18 U.S.C. §2256(8).
38. The defendant shall not own, use, or have access to the services of any commercial mail receiving agency, nor shall he/she open or maintain a post office box without the prior approval of the probation officer.
39. The defendant shall not contact the victim, or (name of other identified parties) by any means, including in person, by mail or electronic means, or via third parties. Further, the defendant shall remain at least 100 yards from the victim(s) at all times. If any contact occurs, the defendant shall immediately leave the area of contact and report the contact to the probation officer.
40. The defendant shall not frequent or loiter within 100 feet of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, or other places primarily used by persons under the age of 18. (Can add locations as necessary)
41. The defendant shall not associate or have verbal, written, telephone or electronic communication with any person under the age of 18 without prior approval from the Court except for employment purposes or other reasons as approved by the Court.

The defendant shall not associate or have verbal, written, telephone, or electronic communication with any person under the age of 18 except (1) in the presence of the parent or legal guardian of said minor and (2) on the condition that the defendant notifies said parent or legal guardian of his/her conviction in the instant offense. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom the defendant must deal in order to obtain ordinary and usual commercial services.

43. The defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business, organization, and/or volunteer activity that causes him/her to regularly have unsupervised contact with persons under the age of 18.
44. The defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business whose principle product is the production and/or selling of materials depicting and/or describing "sexually explicit conduct" as defined in 18 U.S.C 2256(2).

The defendant's employment must be approved by the probation officer, and any change in employment must be pre-approved by the probation officer. The defendant shall submit the name and address of the proposed employer to the probation officer at least 10 days prior to any scheduled change.

The defendant shall not reside within direct view of school yards, parks, public swimming pools, playgrounds, youth centers, video arcades facilities, or other places primarily used by persons under the age of 18. The defendant's residence shall be approved by the probation officer, and any change in residence must be pre-approved by the probation officer. The defendant shall submit the address of the proposed residence to the probation officer at least 10 days prior to any scheduled move.

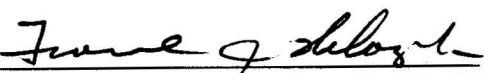
47. The defendant shall not have contact with devices that communicate data via modem or dedicated connection and shall not have access to the internet.
48. The defendant shall not use or possess a computer.


The defendant shall maintain a driving log with details about mileage, routes traveled and destinations.

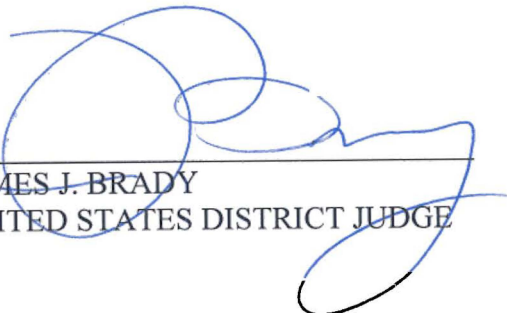
50. The defendant is required to adhere to a curfew as follows: (EM condition wording followed here)
51. The defendant shall not use sexually oriented telephone numbers or services.

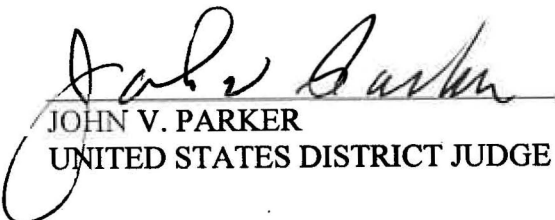
It is so ordered

Baton Rouge, Louisiana, this 28th day of April, 2005


FRANK J. POLOZOLA, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA


RALPH E. TYSON
UNITED STATES DISTRICT JUDGE


JAMES J. BRADY
UNITED STATES DISTRICT JUDGE


JOHN V. PARKER
UNITED STATES DISTRICT JUDGE